

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GAVIN CLARKSON,

Plaintiff,

No. 2:18-cv-00870-KRS-GBW

v.

BOARD OF REGENTS OF THE
NEW MEXICO STATE UNIVERSITY;
DAN HOWARD; JAMES HOFFMAN;
ENRICO PONTELLI; and NANCY
ORETSKIN,

Defendants.

ORDER VACATING ORDER TO SHOW CAUSE

THIS MATTER comes before the Court on Plaintiff's response (Doc. 31) to the July 18, 2019 show-cause order. Plaintiff's counsel explains he did not serve the individual defendants as Federal Rule of Civil Procedure 4(m) requires, but erroneously believed that the amended complaint had been sent for service. Because of a calendaring mistake, counsel did not discover the omission until the Court's order. Plaintiff requests thirty days to effect service of process. Although Plaintiff's counsel should endeavor to be more diligent in the future, the Court accepts the explanation and will vacate the order to show cause.

IT IS, THEREFORE, ORDERED that the Court's July 18, 2019 order to show cause (Doc. 30) is **VACATED**.

IT IS FURTHER ORDERED that Plaintiff serve the individual defendants with the amended complaint on or before **September 4, 2019**.



KEVIN R. SWEAZEA
UNITED STATES MAGISTRATE JUDGE
Presiding by Consent